

## **EXHIBIT 1**

UNITED STATES DISTRICT COURT FOR THE  
SOUTHERN DISTRICT OF WEST VIRGINIA  
CHARLESTON

UNITED STATES OF AMERICA,

Plaintiff,

v.

CIVIL ACTION NO. 2:10-1087

\$88,029.08, MORE OR LESS,  
IN UNITED STATES CURRENCY,

Defendant.

(Katherine Anne Hoover, M.D. and  
John F. Tomasic;  
No pending federal criminal charges)

TO: KATHERINE ANNE HOOVER, MD  
c/o Dr. Norman Gay  
N-3222  
247 West Bay Street  
Nassau, N.P.  
Bahamas

AMENDED NOTICE TO TAKE DEPOSITION

YOU ARE HEREBY NOTIFIED that pursuant to Rules 26, 30, and other applicable Federal Rules of Civil Procedure, counsel for plaintiff, United States of America, will take oral deposition of KATHERINE ANNE HOOVER, MD, on Tuesday July 12, 2011, beginning at 10:00 a.m., at the office of the United States Attorney, Robert C. Byrd United States Courthouse, 300 Virginia Street, East, Room 4000, Charleston, West Virginia 25301. The deposition will be taken before an authorized court reporter and will continue from time to time and day to day without further notice.

The deposition shall be used for all purposes permitted by the Federal Rules of Civil Procedure.

Respectfully submitted,

R. BOOTH GOODWIN II  
United States Attorney

**s/ Fred B. Westfall, Jr.**

FRED B. WESTFALL, JR.  
WV State Bar No. 3992  
Assistant United States Attorney  
P.O. Box 1713  
Charleston, WV 25326  
Phone: 304-345-2200 Fax: 304-347-5443  
E-mail: [fred.westfall@usdoj.gov](mailto:fred.westfall@usdoj.gov)

**CERTIFICATE OF SERVICE**

I electronically filed the foregoing "AMENDED NOTICE TO TAKE DEPOSITION" (Katherine Anne Hoover, MD) with the Clerk of Court using the CM/ECF system this 31<sup>st</sup> day of May, 2011, and I hereby certify that service was made pursuant to Rule G(4)(b), Supplemental Rules for Admiralty or Maritime Claims and Asset Forfeiture Actions this day, by Federal Express International to the following:

Katherine Anne Hoover  
c/o Dr. Norman Gay  
N-3222  
247 West Bay Street  
Nassau, N.P.  
Bahamas

**s/ Fred B. Westfall, Jr.**

Assistant United States Attorney

## **EXHIBIT 2**



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<b>Tracking no.:</b> 874730567536 <b>Select time format:</b> 12H   24H <a href="#">E-mail notifications</a>																																													
<b>Delivered</b> <div> </div> <p><b>Delivered</b> Signed for by: A.MUNNINGS</p>																																													
<b>Shipment Dates</b> Ship date ☺ May 31, 2011 Delivery date ☺ Jun 1, 2011 4:00 PM	<b>Destination</b> nassau BS <a href="#">Signature Proof of Delivery</a> ☺																																												
<b>Shipment Facts</b> <a href="#">Help</a>																																													
Service type Weight	Priority Envelope 1.0 lbs/ 5 kg																																												
Delivered to Reference	Receptionist/Front Desk 2 i 10-1087																																												
<b>Shipment Travel History</b> <a href="#">Help</a>																																													
Select time zone: <input type="text" value="Local Scan Time"/>																																													
All shipment travel activity is displayed in local time for the location																																													
<table border="1"> <thead> <tr> <th>Date/Time</th> <th>Activity</th> <th>Location</th> <th>Details</th> </tr> </thead> <tbody> <tr> <td>Jun 1, 2011 4:00 PM</td> <td>Delivered</td> <td>nassau BS</td> <td></td> </tr> <tr> <td>Jun 1, 2011 1:29 PM</td> <td>On FedEx vehicle for delivery</td> <td>NASSAU BS</td> <td></td> </tr> <tr> <td>Jun 1, 2011 12:39 PM</td> <td>At local FedEx facility</td> <td>NASSAU BS</td> <td></td> </tr> <tr> <td>Jun 1, 2011 11:44 AM</td> <td>International shipment release</td> <td>NASSAU BS</td> <td></td> </tr> <tr> <td>Jun 1, 2011 11:43 AM</td> <td>In transit</td> <td>NASSAU BS</td> <td>Package available for clearance</td> </tr> <tr> <td>Jun 1, 2011 7:53 AM</td> <td>In transit</td> <td>MIAMI, FL</td> <td></td> </tr> <tr> <td>Jun 1, 2011 6:34 AM</td> <td>At destination sort facility</td> <td>MIAMI, FL</td> <td></td> </tr> <tr> <td>Jun 1, 2011 1:08 AM</td> <td>Departed FedEx location</td> <td>MEMPHIS, TN</td> <td></td> </tr> <tr> <td>May 31, 2011 8:47 PM</td> <td>Left FedEx origin facility</td> <td>CHARLESTON, WV</td> <td></td> </tr> <tr> <td>May 31, 2011 4:56 PM</td> <td>Picked up</td> <td>CHARLESTON, WV</td> <td></td> </tr> </tbody> </table>	Date/Time	Activity	Location	Details	Jun 1, 2011 4:00 PM	Delivered	nassau BS		Jun 1, 2011 1:29 PM	On FedEx vehicle for delivery	NASSAU BS		Jun 1, 2011 12:39 PM	At local FedEx facility	NASSAU BS		Jun 1, 2011 11:44 AM	International shipment release	NASSAU BS		Jun 1, 2011 11:43 AM	In transit	NASSAU BS	Package available for clearance	Jun 1, 2011 7:53 AM	In transit	MIAMI, FL		Jun 1, 2011 6:34 AM	At destination sort facility	MIAMI, FL		Jun 1, 2011 1:08 AM	Departed FedEx location	MEMPHIS, TN		May 31, 2011 8:47 PM	Left FedEx origin facility	CHARLESTON, WV		May 31, 2011 4:56 PM	Picked up	CHARLESTON, WV		
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<div> <div> <b>Won't be around for delivery?</b>  Have us hold the shipment for convenient pickup.  <a href="#">Learn more &gt;</a> </div> <div> </div> <div> <b>FedEx Advanced Tracking:</b>  The ultimate in tracking visibility.  <a href="#">Watch demo &gt;</a> </div> </div>																																													



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July 8, 2011

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<b>Signed for by:</b>	A.MUNNINGS	<b>Delivery location:</b>	NORMAN GAY nassau, NP 434
<b>Service type:</b>	Priority Envelope	<b>Delivery date:</b>	Jun 1, 2011 16:00

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**Shipping Information:**

<b>Tracking number:</b>	874730567536	<b>Ship date:</b>	May 31, 2011
		<b>Weight:</b>	1.0 lbs/0.5 kg

**Recipient:**

katherine hoover md  
c/o norman gay md  
247 west bay street  
nassau, NP 434 BS

**Shipper:**

fred b. westfall jr  
USDOJ/U.s. ATTorney's office  
4000 u.s. courthouse  
300 VIRGINIA STreet East  
CHARLESTON, WV 25301 US  
2 i 10-1087

**Reference**

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## **EXHIBIT 3**

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF WEST VIRGINIA  
CHARLESTON

UNITED STATES OF AMERICA,

ORIGINAL

Plaintiff,

vs.

CIVIL ACTION NO. 2:10-1087

\$88,029.08, MORE OR LESS,  
IN UNITED STATES CURRENCY,

Defendant.

(Katherine Anne Hoover, M.D. and  
John F. Tomasic;  
No pending federal criminal charges)

The deposition of KATHERINE ANNE HOOVER, M.D.,  
was scheduled to taken pursuant to notice, in the  
above-entitled action, on the 12th day of July, 2011,  
commencing at 10:00 a.m., at the Offices of the United  
States Attorney, Robert C. Byrd United States Courthouse,  
300 Virginia Street, East, Room 4000, Charleston, Kanawha  
County, West Virginia, before Connie D. DeMuth, Certified  
Court Reporter and Notary Public, pursuant to the Federal  
Rules of Civil Procedure.

*DeMuth Court Reporting, L.L.C.*  
Connie D. DeMuth, CCR  
Post Office Box 701  
Dunbar, West Virginia 25064  
304-766-8708



**APPEARANCES**

**On behalf of the Plaintiff:**

**FRED B. WESTFALL, JR., ESQUIRE  
United States Attorney's Office  
Post Office Box 1713  
Charleston, West Virginia 25326**

INDEX

Exhibits

Identified

Exhibit No. 1 (Amended Notice to Take  
Deposition, two pages)

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Exhibit No. 2 (Federal Express  
International Receipt, two pages)

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Reporter's Certificate

Pages 9-10

1 July 12, 2011 (10:01 a.m.)

2 MR. WESTFALL: My name is Fred Westfall. I'm  
3 an Assistant United States Attorney for the Southern  
4 District of West Virginia. We're here in a civil  
5 forfeiture case. Today on July 12, 2011, the deposition  
6 of Katherine Anne Hoover, M.D., was scheduled to begin  
7 at ten o'clock. We are here in the Civil Conference  
8 Room, which was the indication on the Notice of where  
9 the deposition would take place in our office and she is  
10 not present.

11 I'm going to tender Exhibit No. 1, which is a  
12 copy of the Amended Notice to Take Deposition, which was  
13 served on Dr. Hoover. Exhibit No. 2 is a receipt from  
14 Federal Express International showing that it was  
15 delivered to the address that Dr. Hoover has been using  
16 for service purposes. And the second page of Exhibit  
17 No. 2 does contain the signature of the person who  
18 signed for the Amended Notice to Take Deposition that  
19 was in a Federal Express package.

20 (WHEREUPON, the documents referred to  
21 were duly marked for identification  
22 as Deposition Exhibits No. 1 and 2 and  
23 attached hereto.)

24 MR. WESTFALL: Since she is not here, we are  
25 going to try to contact her on two telephone numbers.

1 The first one is

2 [REDACTED] and if that number is not successful, I  
3 have another telephone number, [REDACTED]

4 I was able to make telephone contact with Dr.  
5 Hoover yesterday at [REDACTED] and ask her if she was  
6 going to attend this deposition. That telephone contact  
7 was made at approximately 2:38 p.m. yesterday and she  
8 said she was not planning to attend the deposition. The  
9 purpose of calling her today is to see, since she is not  
10 here, that whether, if we reschedule the deposition, she  
11 plans to attend and appear if we do reschedule the  
12 deposition.

13 So I'm going to try to make the telephone  
14 contact now.

15 (Mr. Westfall dials [REDACTED])

16 (-- customer at [REDACTED] is unavailable to  
17 take your call. Please a message after the tone.)

18 (MR. WESTFALL: [Leaving Message on Voicemail.]

19 Dr. Hoover, this is Fred Westfall, Assistant United  
20 States Attorney in Charleston, West Virginia, contacting  
21 you in connection with the deposition which was  
22 scheduled for today, July 12, 2011, at ten o'clock at  
23 our office. This deposition had been noticed and you  
24 were asked, or you were notified in the Notice for the  
25 deposition that you were to attend here in our office to

1 be deposed today. So I'm calling you. I talked to you  
2 yesterday, you said you weren't planning to attend, but  
3 I'm trying to make telephone contact with you in any  
4 event. If you need to reach me, you can reach me at  
5 304-345-2200.)

6 MR. WESTFALL: I just tried to contact Dr.  
7 Hoover at [REDACTED]. I got a voicemail recording and  
8 left her a voicemail indicating I was calling her in  
9 connection with a deposition that was scheduled for  
10 today and left my telephone number of 304-345-2200 to  
11 call me back if she had any questions.

12 We'll try the second number.

13 (Mr. Westfall dials [REDACTED])

14 (Hi. This is Katie Hoover. Thanks for  
15 calling. I'll get back to you as soon as I can. Have a  
16 great day. Bye-bye.)

17 (At the tone, please record your message.  
18 When you have finished recording, you may hang up or  
19 press one for more options.)

20 (MR. WESTFALL: [Leaving Message on Voicemail.]  
21 Dr. Hoover, this is Fred Westfall, Assistant United  
22 States Attorney in Charleston, West Virginia. It's a  
23 little after ten o'clock on July 12, 2011. As we  
24 discussed yesterday, your deposition was scheduled for  
25 today here at our office in Charleston, West Virginia.

1 We sent a Notice to you for the deposition, which was  
2 served on May 31, 2011, and it was served at the address  
3 which you've been using in the Bahamas for receipt of  
4 service and we have a Federal Express International  
5 receipt showing that it was delivered to that address  
6 and that someone at that address did sign for it on June  
7 1, 2011.

8 Yesterday, when I contacted you, I asked you  
9 if you were planning to attend the deposition today and  
10 you indicated that you were not. The purpose of calling  
11 you today is under the Federal Rules of Procedure, if  
12 you're not planning to attend, I need to see that if did  
13 try to reschedule the deposition whether you attend at a  
14 future date if the deposition was rescheduled.

15 If you have any questions, please call me at  
16 304-345-2200. Thank you.)

17 MR. WESTFALL: I made a second telephone call  
18 to Dr. Hoover at [REDACTED]. At that telephone number  
19 I received a greeting from her telephone indicating that  
20 she was not available and I left her a voicemail  
21 message. I indicated to her in the voicemail message  
22 that her deposition had been scheduled for today, that  
23 we had served a Notice which had been received at her  
24 service address for today's deposition. I also  
25 indicated that I had spoken to her yesterday, that she

1 indicated that she was not planning to attend, and that  
2 the purpose of the telephone call was to determine  
3 whether she would attend if the deposition was  
4 rescheduled. I also left my telephone number for her to  
5 be able to contact me.

6 Those are the only two telephone numbers that  
7 I have to be able to contact Dr. Hoover. Since she is  
8 not here at today's deposition, we will conclude the  
9 transcript of the proceedings today with the two  
10 exhibits attached, the first exhibit being the Amended  
11 Notice To Take Deposition, and the second exhibit being  
12 the receipt showing that someone had signed at the  
13 service address for the envelope which contained the  
14 Amended Notice to Take Deposition.

15 (WHEREUPON, the record was  
16 concluded 10:09 a.m.)  
17  
18  
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24  
25

REPORTER'S CERTIFICATE

STATE OF WEST VIRGINIA,  
COUNTY OF KANAWHA, to-wit:

I, Connie D. DeMuth, Certified Court Reporter and Notary Public within and for the County and State aforesaid, duly commissioned and qualified, do hereby certify that the foregoing scheduled deposition of KATHERINE ANNE HOOVER, M.D., was to be duly taken by me and before me at the time and place and for the purpose specified in the caption hereof, the said witness having been by me first duly sworn.

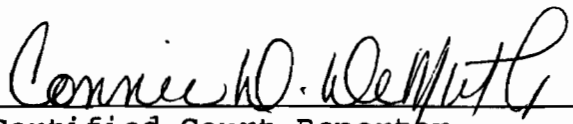
I do further certify that the said deposition was correctly taken by me in the Stenomask procedure and that the same was accurately transcribed under my supervision.

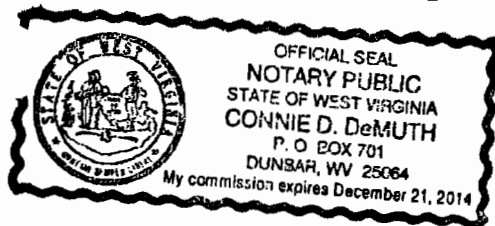
I further certify that I am neither attorney or counsel for, nor related to or employed by, any of the parties to the action in which this deposition is taken, and further that I am not a relative or employee of any attorney or counsel employed by the parties or financially interested in the action.



Given under my hand this 12th day of July,  
2011.

My commission expires December 21, 2014.

  
\_\_\_\_\_  
Certified Court Reporter  
Notary Public



UNITED STATES DISTRICT COURT FOR THE  
SOUTHERN DISTRICT OF WEST VIRGINIA  
CHARLESTON

UNITED STATES OF AMERICA,

Plaintiff,

v.

CIVIL ACTION NO. 2:10-1087

\$88,029.08, MORE OR LESS,  
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R. BOOTH GOODWIN II  
United States Attorney

**s/ Fred B. Westfall, Jr.**

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WV State Bar No. 3992  
Assistant United States Attorney  
P.O. Box 1713  
Charleston, WV 25326  
Phone: 304-345-2200 Fax: 304-347-5443  
E-mail: [fred.westfall@usdoj.gov](mailto:fred.westfall@usdoj.gov)

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Nassau, N.P.  
Bahamas

**s/ Fred B. Westfall, Jr.**

Assistant United States Attorney



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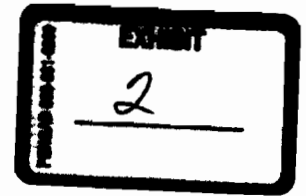
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<b>Delivered</b> <div><div>Initiated</div><div>Picked up</div><div>In transit</div><div>Delivered</div></div> <div>Signed for by: A.MUNNINGS</div>			
<b>Shipment Dates</b> <span><b>Destination</b></span> Ship date ☑ May 31, 2011 <span>nassau BS</span> Delivery date ☑ Jun 1, 2011 4:00 PM <span><a href="#">Signature Proof of Delivery</a> ☑</span>			
<b>Shipment Facts</b> <span><a href="#">Help</a></span>			
Service type Weight	Priority Envelope 10 lbs/5 kg		
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Select time zone: <a href="#">Local Scan Time</a>			
All shipment travel activity is displayed in local time for the location			
<b>Date/Time</b>	<b>Activity</b> <b>Location</b> <b>Details</b>		
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July 8, 2011

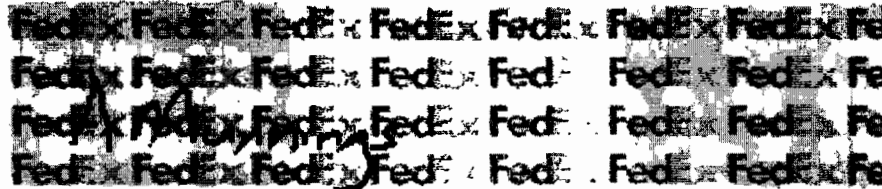
Dear Customer:

The following is the proof-of-delivery for tracking number **874730567536**.

---

**Delivery Information:**

<b>Status:</b>	Delivered	<b>Delivered to:</b>	Receptionist/Front Desk
<b>Signed for by:</b>	A. MUNNINGS	<b>Delivery location:</b>	NORMAN GAY nassau, NP 434
<b>Service type:</b>	Priority Envelope	<b>Delivery date:</b>	Jun 1, 2011 16:00




---

**Shipping Information:**

<b>Tracking number:</b>	874730567536	<b>Ship date:</b>	May 31, 2011
		<b>Weight:</b>	1.0 lbs/0.5 kg

**Recipient:**

katherine hoover md  
c/o norman gay md  
247 west bay street  
nassau, NP 434 BS

**Shipper:**

fred b. westfall jr  
USDOJ/U.s. ATTORNEY'S OFFICE  
4000 U.S. COURTHOUSE  
300 VIRGINIA STREET EAST  
CHARLESTON, WV 25301 US  
2 i 10-1087

**Reference**

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